

K/D
ORIGINAL

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED
SEP - 2 2005
CLERK, U.S. DISTRICT COURT By _____ Deputy _____

GLOBE PRODUCTS CO., INC.,

Plaintiff,

vs.

DONALD E. SAVARD COMPANY,

Defendant.

3 - 05 CV - 1775 L
Civil No. _____

PLAINTIFF'S ORIGINAL COMPLAINT

Plaintiff Globe Products Co., Inc. files this Original Complaint against Defendant Donald E. Savard Company and alleges as follows:

I.

PARTIES

1. Plaintiff Globe Products Co., Inc. ("Globe Products") is a Texas corporation with its principal place of business in Ennis, Ellis County, Texas.
2. Defendant Donald E. Savard Company ("Savard") is a California corporation with its principal place of business in San Gabriel, California. Savard may be served by serving its agent for service of process, Simon Malak, 418 South Pine Street, San Gabriel, California 91776.

II.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. section 1332(a)(1) because the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and

PLAINTIFF'S ORIGINAL COMPLAINT

costs, and is between citizens of different States.

4. Venue is proper in this Court pursuant to 28 U.S.C. section 1331(a)(2).
5. This Court has personal jurisdiction over Savard because it has sufficient minimum contacts with Texas and does business in this State.

III.

FACTUAL BACKGROUND

6. Globe Products is a family-owned, Texas-based company that has been manufacturing ferrules since 1981. A ferrule is a connector that couples a hose to hose barb. An example of a ferrule is the metal ring which is crimped to hold the eraser in place on pencils.

7. Over the years, Savard has ordered millions of ferrules from Globe Products. Beginning earlier this year, Savard ordered and accepted delivery of ferrules but failed to pay for them. Specifically, the following purchase orders and invoices remain unpaid:

Purchase Order #26785 Invoice #5333	April 11, 2005 May 4, 2005	\$5,666.10
Purchase Order #26784 Invoice #5733	April 11, 2005 May 26, 2005	\$24,927.95
Purchase Order #26926 Invoice #6107	June 3, 2005 June 16, 2005	\$8,332.50
Purchase Order #27000 Invoice #6203	June 17, 2005 June 22, 2005	\$9,999.00
Purchase Order #26873 Invoice #6323 Invoice #6478	May 9, 2005 June 28, 2005 July 7, 2005	\$6,953.20 \$20,300.70

8. As a result of Savard's failure to pay the outstanding invoices, Savard owes Globe Products the amount of \$76,179.45, plus interest and attorneys' fees.

9. All conditions precedent to recovery have occurred.

IV.

CAUSES OF ACTION

COUNT ONE: BREACH OF CONTRACT

10. Globe Products repeats and realleges the allegations in paragraph 1-9.
11. As described above, Savard has ordered and accepted goods from Globe Products.
12. Savard has breached its obligations to Globe Products by failing to pay the outstanding invoices.
13. As a direct result of Savard's breach, Globe Products has suffered actual damages in the amount of \$76,179.45.
14. As a result of Savard's actions, Globe Products has been required to retain the undersigned counsel to prosecute this action. Accordingly, Globe Products seeks recovery of its reasonable attorneys' fees in addition to its actual damages.

V.

REQUEST FOR RELIEF

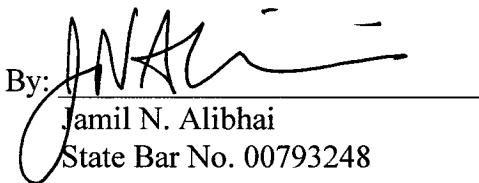
WHEREFORE Globe Products Co., Inc. respectfully requests that this Court:

- A. Enter judgment against Savard in the amount of \$76,179.45;
- B. Award Globe Products pre-judgment and post-judgment interest at the highest rates allowed by law;
- C. Award Globe Products reasonable attorneys' fees and costs; and
- D. Grant Globe Products such other and relief to which it may be entitled.

Respectfully submitted, this 2nd day of September, 2005,

ARNETT GAUBERT, LLP

By:



Jamil N. Alibhai
State Bar No. 00793248

4650 Trammell Crow Center
2001 Ross Avenue
Dallas, Texas 75201
Telephone: (214) 760-0900
Telecopy: (214) 760-0905

**ATTORNEYS FOR PLAINTIFF
GLOBE PRODUCTS CO., INC.**

CIVIL COVER SHEET

U.S. 44 Civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

I. (a) PLAINTIFFS

GLOBE PRODUCTS CO., INC.

(b) County of Residence of First Listed Plaintiff Ellis County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Jamil N. Alibhai, Arnett Gaubert, 2001 Ross Ave., Ste. 4650, Dallas,
Texas 75201 (214)760-0900**DEFENDANTS**

DONALD E. SAVARD COMPANY

3 - 05 CV - 1775 LCounty of Residence of First Listed Defendant Los Angeles County

(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED

Attorneys (If Known)

SEP - 2 2005

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- | | |
|--|--|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input checked="" type="checkbox"/> 4 Diversity
(Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
(For Diversity Cases Only)

Citizen of This State	PTF	DEF	PTF	DEF
<input type="checkbox"/>	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 5	<input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	PROPERTY RIGHTS	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	SOCIAL SECURITY	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 810 Selective Service
<input checked="" type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 400 Trademark	FEDERAL TAX SUITS	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 720 Labor/Mgmt Relations	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	Habeas Corpus:	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 791 Empl. Ret. Inc Security Act	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights		<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- | | | | | | | |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|---|---|--|---|--|---|--|

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)
28 U.S.C. § 1332**VI. CAUSE OF ACTION**Brief description of cause
Breach of Contract**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23**DEMAND \$**CHECK YES only if demanded in complaint
JURY DEMAND: Yes No**VIII. RELATED CASE(S) IF ANY**

(See instructions)

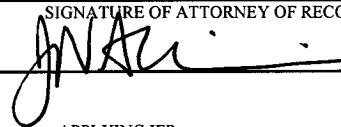
JUDGE

DOCKET NUMBER

DATE

9/2/2005

SIGNATURE OF ATTORNEY OF RECORD



FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE